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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

UNITED STATES OF AMERICA,)	NO. CR 08-1378-FRZ-JCG
Plaintiff(s),)	
)	ORDER
vs.)	
)	
JOSE MARTIN OROPEZA,)	
)	
Defendant(s).)	

This matter was referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1)(B) and the local rules of practice of this Court for hearing and report and recommendation on Defendant's Motion to Dismiss for Vindictive Prosecution. (Doc. 34) Defendant's Motion to Dismiss seeks dismissal of Counts One and Three of the Superceding Indictment filed on August 19, 2009.


On March 2, 2010, Magistrate Judge Jennifer C. Guerin conducted a hearing and on March 5, 2010 issued her Report and Recommendation. (Doc. 55) A copy was sent to all parties. Neither party filed objections to the Magistrate Judge's Report and Recommendation.

The Court, having made an independent review of the record herein, orders as follows:

IT IS ORDERED that Magistrate Judge Jennifer C. Guerin Report and Recommendation is ACCEPTED and ADOPTED by this Court as the findings of fact and conclusions of law in this matter.

1 IT IS ORDERED that the Motion to Dismiss for Vindictive Prosecution (Doc. 34.) is
2 DENIED.

3 DATED this 24th day of March, 2010.

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7 FRANK R. ZAPATA
8 United States District Judge
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